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**MAILED
FROM DIRECTORS OFFICE**

OCT 19 2004

TECHNOLOGY CENTER 3600

In re application of
John Jeffrey Waldman et al.
Application No. 10/722,188
Filed: November 25, 2003
For: LIQUID CONTROL STRUCTURE

: **DECISION ON PETITION**
: **TO MAKE SPECIAL**
: **(ENVIRONMENTAL QUALITY)**
:

This is a decision on the petition filed November 25, 2003, under 37 CFR 1.102 (c) to make the above-identified application special under the procedure set forth in MPEP 708.02, Section V: Environmental Quality.

A grantable petition to make an application special under 37 C. F. R. 1.102(c), MPEP 708.02, Section V for an invention which materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining elements-air, water and soil, must be accompanied by affidavits or declaration under 37 CFR 1.102 by the applicant or his attorney explaining how the invention contributes to the maintenance or restoration of one of these life sustaining elements.

The declaration of Lorri W. Cooper states that "the flow control structure of the present application may be used by farmers to adjust water elevations in fields. By maintaining the water level in fields, nitrates are deterred from flowing into the ground water and are maintained in the field, where they serve a beneficial purpose..." The declaration further indicates that "(t)he invention is useful in deterring the flow of nitrates into ground water, thereby promoting ground water that is free from high levels of nitrates. At the same time, the invention helps to maintain fertile fields for agricultural purposes."

For the above stated reasons, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications; (2) to promptly examine this application out of turn; and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference and appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.



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SNM/rwg: 10/12/04